## FITZPATRICK, CELLA, HARPER & SCINTO

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FACSIMILE COVER SHEET

TO:

Examiner Michael Borin

Group Art Unit 1631

**USPTO** 

FROM:

Haiyan Chen

202-721-5492 (direct dial)

RE:

Application No. 09/674,973

Attorney Docket No. 01702.401500

FAX NO.:

703-746-5237

DATE:

February 11, 2003

NO. OF PAGES: (including cover page)

19

TIME:

SENT BY:

### **MESSAGE**

#### Examiner Borin:

Further to our discussion this morning, enclosed please find:

- 1) a Response to the 1/31/03 Office Action;
- 2) a copy of the Preliminary Amendment filed 11/8/00; and
- 3) a copy of the date-stamped postcard acknowledging receipt of the Preliminary Amendment.

Thank you.

# IF YOU DO NOT RECEIVE ALL THE PAGES PLEASE CALL 202-530-1010 AS SOON AS POSSIBLE.

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2002 #11 P) 2,20-03

1702.401500

### PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appl	ication of:	
GUSTAV GAUDERNACK, ET AL.		Examiner: M. Borin
Int'l Appln. No.: PCT/NO99/00143		Group Art Unit: 1631
U.S. Applı	a. No.: 09/674,973 :	
Nat'l Entry	Date: November 8, 2000	
For:	PEPTIDES ;	February 11, 2003

Commissioner for Patents Washington, D.C. 20231

### Facsimile Response to Office Action

Sir:

In the Office Action mailed January 31, 2003 in the above-identified application, a restriction requirement has been imposed. Today, upon finding that the restriction requirement was based on the claims in the PCT application rather than the claims presented in the Preliminary Amendment filed November 8, 2000, Applicants contacted the Examiner regarding the error. The Examiner informed Applicants that the PTO record does not indicate the filing of a Preliminary Amendment in this application, and suggested that Applicants send copies of the Preliminary Amendment filed November 8, 2000, and the receipt-acknowledgment postcard to the Examiner via facsimile.

Accordingly, Applicants submit herewith a copy of the Preliminary

Amendment filed November 8, 2000, together with a copy of the receipt-acknowledgment

postcard. Applicants respectfully request that a new Office Action be issued in this application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

John W. Behringer Registration No. 23,086 Ebringer

Attorney for Applicants

FITZPATRICK, CELLA, HARPER & SCINTO 30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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Assistant	Commis	sioner	for	<b>Patents</b>
Wasi	hington,	D.C.	2023	31

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Kindly acknowledge receipt of the accompanying:	>6.4 €,
Kindly acknowledge receipt of the accompanying ACTIONE ( Specifications, claims and abstract  Oath or Declaration and Power of Attorney  Executed  Not	Form Se F.1:
14 Sheets of V formal informal drawings	
□ Check for \$ _ 27/000 (filing fee)	
☐ Small entity declaration	
Assignment, PTO-1595 and Check for \$	
☐ Transmittal Under 37 CFR 1.53(d) (CPA)	
Description under 37 CFR 1,136 and check for \$  Souther (specify) \$7 CFR 1,136 and check for \$  Other (specify) \$7 CFR 1,136 and check for \$  Other (specify) \$7 CFR 1,136 and check for \$  Southern Property of September 1,136 and check for \$  Southern Property of September 1,136 and check for \$  Southern Property of September 1,136 and check for \$  Southern Septemb	
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